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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of ) Examiner: Jonathan M. Foreman  
Burbank et al. )  
For: TISSUE ACQUISITION SYSTEM AND ) Group Art Unit: 3736  
METHOD OF USE )  
Serial No.: 09/981,525 )  
Filed: October 16, 2001 )  
Docket No.: R0367-00401 )

## CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (571) 273-8300, addressed to Examiner Jonathan M. Foreman, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 3, 2007,

in San Francisco, CA.

  
Sirpa Kirjoneva

## TERMINAL DISCLAIMER BY ATTORNEY

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. The assignee is the registered owner of all right, title and interest in and to the above-identified application. The assignment is recorded in Reel No. 009706, Frame 0866.

The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,712,775 is hereby disclaimed on behalf of the Assignee, SenoRx, Inc.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,712,775. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,712,775 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

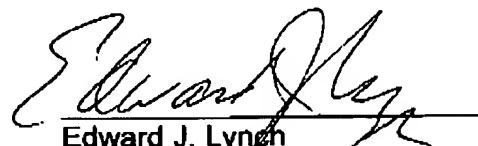
The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,545,727 is hereby disclaimed on behalf of the Assignee, SenoRx, Inc.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,545,727. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

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reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated: 1/31/07



Edward J. Lynch  
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Attorney for Applicants